



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB3614

Introduced 2/28/2007, by Rep. Elizabeth Coulson

SYNOPSIS AS INTRODUCED:

510 ILCS 70/4.01

from Ch. 8, par. 704.01

Amends the Humane Care for Animals Act. Increases the penalty for the violation of certain provisions concerning animal fighting from a Class A misdemeanor to a Class 4 felony for the first offense and from a Class 4 felony to a Class 3 felony for second or subsequent offenses. Effective immediately.

LRB095 08978 CMK 31755 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning animals.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Humane Care for Animals Act is amended by
5 changing Section 4.01 as follows:

6 (510 ILCS 70/4.01) (from Ch. 8, par. 704.01)

7 Sec. 4.01. Animals in entertainment. This Section does not
8 apply when the only animals involved are dogs. (Section 26-5 of
9 the Criminal Code of 1961, rather than this Section, applies
10 when the only animals involved are dogs.)

11 (a) No person may own, capture, breed, train, or lease any
12 animal which he or she knows or should know is intended for use
13 in any show, exhibition, program, or other activity featuring
14 or otherwise involving a fight between such animal and any
15 other animal or human, or the intentional killing of any animal
16 for the purpose of sport, wagering, or entertainment.

17 (b) No person shall promote, conduct, carry on, advertise,
18 collect money for or in any other manner assist or aid in the
19 presentation for purposes of sport, wagering, or
20 entertainment, any show, exhibition, program, or other
21 activity involving a fight between 2 or more animals or any
22 animal and human, or the intentional killing of any animal.

23 (c) No person shall sell or offer for sale, ship,

1 transport, or otherwise move, or deliver or receive any animal
2 which he or she knows or should know has been captured, bred,
3 or trained, or will be used, to fight another animal or human
4 or be intentionally killed, for the purpose of sport, wagering,
5 or entertainment.

6 (d) No person shall manufacture for sale, shipment,
7 transportation or delivery any device or equipment which that
8 person knows or should know is intended for use in any show,
9 exhibition, program, or other activity featuring or otherwise
10 involving a fight between 2 or more animals, or any human and
11 animal, or the intentional killing of any animal for purposes
12 of sport, wagering or entertainment.

13 (e) No person shall own, possess, sell or offer for sale,
14 ship, transport, or otherwise move any equipment or device
15 which such person knows or should know is intended for use in
16 connection with any show, exhibition, program, or activity
17 featuring or otherwise involving a fight between 2 or more
18 animals, or any animal and human, or the intentional killing of
19 any animal for purposes of sport, wagering or entertainment.

20 (f) No person shall make available any site, structure, or
21 facility, whether enclosed or not, which he or she knows or
22 should know is intended to be used for the purpose of
23 conducting any show, exhibition, program, or other activity
24 involving a fight between 2 or more animals, or any animal and
25 human, or the intentional killing of any animal.

26 (g) No person shall attend or otherwise patronize any show,

1 exhibition, program, or other activity featuring or otherwise
2 involving a fight between 2 or more animals, or any animal and
3 human, or the intentional killing of any animal for the
4 purposes of sport, wagering or entertainment.

5 (h) (Blank).

6 (i) Any animals or equipment involved in a violation of
7 this Section shall be immediately seized and impounded under
8 Section 12 by the Department when located at any show,
9 exhibition, program, or other activity featuring or otherwise
10 involving an animal fight for the purposes of sport, wagering,
11 or entertainment.

12 (j) Any vehicle or conveyance other than a common carrier
13 that is used in violation of this Section shall be seized,
14 held, and offered for sale at public auction by the sheriff's
15 department of the proper jurisdiction, and the proceeds from
16 the sale shall be remitted to the general fund of the county
17 where the violation took place.

18 (k) Any veterinarian in this State who is presented with an
19 animal for treatment of injuries or wounds resulting from
20 fighting where there is a reasonable possibility that the
21 animal was engaged in or utilized for a fighting event for the
22 purposes of sport, wagering, or entertainment shall file a
23 report with the Department and cooperate by furnishing the
24 owners' names, dates, and descriptions of the animal or animals
25 involved. Any veterinarian who in good faith complies with the
26 requirements of this subsection has immunity from any

1 liability, civil, criminal, or otherwise, that may result from
2 his or her actions. For the purposes of any proceedings, civil
3 or criminal, the good faith of the veterinarian shall be
4 rebuttably presumed.

5 (l) No person shall solicit a minor to violate this
6 Section.

7 (m) The penalties for violations of this Section shall be
8 as follows:

9 (1) A person convicted of violating subsection (a),
10 (b), or (c) of this Section or any rule, regulation, or
11 order of the Department pursuant thereto is guilty of a
12 Class 4 ~~felony~~ ~~A misdemeanor~~ for the first offense. A
13 second or subsequent offense involving the violation of
14 subsection (a), (b), or (c) of this Section or any rule,
15 regulation, or order of the Department pursuant thereto is
16 a Class 3 ~~4~~ felony.

17 (2) A person convicted of violating subsection (d),
18 (e), or (f) of this Section or any rule, regulation, or
19 order of the Department pursuant thereto is guilty of a
20 Class A misdemeanor for the first offense. A second or
21 subsequent violation is a Class 4 felony.

22 (3) A person convicted of violating subsection (g) of
23 this Section or any rule, regulation, or order of the
24 Department pursuant thereto is guilty of a Class C
25 misdemeanor.

26 (4) A person convicted of violating subsection (l) of

1 this Section is guilty of a Class A misdemeanor.
2 (Source: P.A. 92-425, eff. 1-1-02; 92-454, eff. 1-1-02; 92-650,
3 eff. 7-11-02; 92-651, eff. 7-11-02; revised 11-21-02.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.